Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

1:30 PM

6:21-14202 Salvador Colchado G

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 10

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-17-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Colchado G Pro Se

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

1:30 PM

6:21-14240 Charles Cleveland Lee, Sr. and Angela Lateria Lee

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-16-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Cleveland Lee Sr. Represented By

Daniel King

Joint Debtor(s):

Angela Lateria Lee Represented By

Daniel King

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

1:30 PM

6:21-14246 Juana Nereida Romero and Antonio Aquilino Campos

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-16-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juana Nereida Romero Represented By

Ramiro Flores Munoz

Joint Debtor(s):

Antonio Aquilino Campos Represented By

Ramiro Flores Munoz

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

1:30 PM

6:21-14266 Evins Markham Henderson, Jr. and Brenda Markham

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-16-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evins Markham Henderson Jr. Represented By

Paul Y Lee

Joint Debtor(s):

Brenda Markham Henderson Represented By

Paul Y Lee

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

1:30 PM

6:21-14344 Juan Jose Moreno Baeza

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-16-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Moreno Baeza Represented By

Daniel King

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

1:30 PM

6:21-14397 Refugio Sanchez and Veronica Sanchez

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 6

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-16-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Refugio Sanchez Represented By

Sundee M Teeple

Joint Debtor(s):

Veronica Sanchez Represented By

Sundee M Teeple

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

1:30 PM

6:21-14398 Janice Mae Santillanes

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-16-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Janice Mae Santillanes Represented By

Heather J Canning

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:17-19293 Jessica Reyes Ollet

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 8:

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 9-10-

21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jessica Reyes Ollet Represented By

Richard McAndrew

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:17-20363 Ruben Sanchez, Jr. and Martha Isabel Sanchez

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 9-10-

21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Sanchez Jr. Represented By

Andy C Warshaw

Joint Debtor(s):

Martha Isabel Sanchez Represented By

Andy C Warshaw

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:17-20635 Jorge Hernandez Huaracha and Maria De Lourdes

Chapter 13

#10.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 49

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 9-10-

21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Hernandez Huaracha Represented By

Gregory M Shanfeld

Joint Debtor(s):

Maria De Lourdes Huaracha Represented By

Gregory M Shanfeld

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:19-18917 Luz Ilda Guillen

Chapter 13

#11.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 6

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL FILED 9-8-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luz Ilda Guillen Represented By

Nancy Korompis

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:21-13882 Tammy Marie Sprague

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-13-21; CONT'D TO 1-24-22 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tammy Marie Sprague Represented By

Kevin Tang

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 303 Calendar

Wednesday, September 15, 2021

Hearing Room

303

<u>2:00 PM</u>

6:21-13894 Patricia Delgadillo Lomeli

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-13-21; CONT'D TO 1-24-22 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Delgadillo Lomeli Represented By

Jenny L Doling

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

<u>2:00 PM</u>

6:21-13899 Trina Love

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket

*** VACATED *** REASON: CASE DISMISSED 8-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trina Love Pro Se

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:21-13959 Dennis M Wilhide, Jr. and Lisa Nanette Wilhide

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-13-21; CONT'D TO 1-24-22 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis M Wilhide Jr. Represented By

Paul Y Lee

Joint Debtor(s):

Lisa Nanette Wilhide Represented By

Paul Y Lee

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

<u>2:00 PM</u>

6:21-13989 William Drew Maze

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket

*** VACATED *** REASON: CASE DISMISSED 8-9-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Drew Maze Represented By

Nathan Fransen

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:21-14065 Julie Ann Hathaway

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-13-21; CONT'D TO 1-24-22 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Ann Hathaway Represented By

David Lozano

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:00 PM

6:21-14125 Kimberly Elaine Taylor

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-13-21; CONT'D TO 1-24-22 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Elaine Taylor Represented By

Ramiro Flores Munoz

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:15 PM

6:19-16999 Patrick Sanches and Agripina Sanches

Chapter 13

#19.00 Hrg re trustee's motion for order dismissing chapter 13 proceeding due to

infeasibility of plan

FROM: 8-18-21

Docket 64

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL

FILED 8-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick Sanches Represented By

Todd L Turoci

Joint Debtor(s):

Agripina Sanches Represented By

Todd L Turoci

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

6:19-17704 April Terese Canaan

Chapter 13

#20.00 Motion for relief from stay

M&T BANK VS DEBTOR

Property: 6049 Red Spur Ct., Fontana, CA 92336-4548

[Real Prop] Nancy Lee, attorney/movant

Docket 64

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 9-10-

21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

April Terese Canaan Represented By

Benjamin R Heston

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

6:21-12293 Kathleen Virginia Clark

Chapter 13

#21.00 Motion for relief from stay

LOANCARE VS DEBTOR

Property: 30916 Glen Oak, Running Springs, CA 92382

[Real Prop] Darlene C. Vigil, attorney/movant

Docket 27

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 9-10-

21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathleen Virginia Clark Represented By

Paul Y Lee

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

6:21-13740 Salvador Colchado G

Chapter 13

#22.00 Motion for relief from stay

2ND CHANCE MORTGAGES VS DEBTOR

Property: 1097 San Antonio Dr., Colton, CA 92324

[UD] William E. Windham, attorney/movant

Docket 36

Tentative Ruling:

- NONE LISTED -

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Debtor(s):

Salvador Colchado G Pro Se

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

6:21-14202 Salvador Colchado G

Chapter 13

#23.00 Motion for relief from stay

2nd CHANCE MORTGAGES VS DEBTOR

Property: 1097 San Antonio Dr., Colton, CA 92324

[UD] William E. Windham, attorney/movant

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Colchado G Pro Se

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

6:21-14202 Salvador Colchado G

Chapter 13

#24.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 38

Tentative Ruling:

Final Ruling. The motion is untimely. Section 362(c)(3)(A) provides that the automatic stay "shall terminate with respect to the debtor on the 30th day after the filing of the later case." See 11 U.S.C. § 362(c)(3)(A). In order to avoid the termination of the stay, a motion to extend the stay must be filed and it must be heard on or before the thirtieth day after the filing of the bankruptcy case. See 11 U.S.C. § 362(c)(3)(B) (stating that "on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period").

Accordingly, under the plain language of the statute, the hearing regarding a motion to extend the automatic stay pursuant to section 362(c)(3)(B) must occur no later than thirty days after the filing of this bankruptcy case. It is not enough to simply file the motion within the thirty day period. The hearing regarding the motion must also occur within the thirty day period. See, e.g., In re Moon, 339 B.R. 668, 670 (Bankr. N.D. Ohio 2006) (denying a motion to extend the stay that was filed during the thirty day period because the debtors scheduled the motion for a hearing thirty-seven days after the petition date); In re Garrett, 357 B.R. 128, 131 (Bankr. C.D. Ill. 2006) ("Pursuant to 11 U.S.C. § 362(c)(3)(B), the Bankruptcy Court may extend the automatic stay only after notice and a hearing completed before the expiration of the 30 day period after the filing of a second bankruptcy case within one year of the

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

CONT... Salvador Colchado G

Chapter 13

dismissal of a previously filed case. If the notice and hearing are not completed within this period, the automatic stay terminates by operation of law pursuant to § 362(c)(3) (A)."); In re Norman, 346 B.R. 181 (Bankr. N.D. W.Va. 2006) (holding that a motion to extend the automatic stay must be heard within the thirty day period); In re Ziolkowski, 338 B.R. 543, 546 (Bankr. D.Conn. 2006) (denying a motion to extend the stay that was filed during the thirty day period because the initial hearing regarding the motion – which was scheduled by the clerk of the court - occurred more than two months after the petition date and stating that the debtors "were the movants and it was their ultimate burden to insure that the Motion was timely scheduled."); Capital One Auto Fin. v. Cowley, 374 B.R. 601, 610 (W.D. Tex. 2006) (reversing a bankruptcy court order granting a motion to extend the stay because, while the motion was filing within thirty days of the petition date, the hearing regarding the motion occurred after the thirty day period and stating that "the Court finds that § 362(c)(3) requires notice and a hearing to be completed within thirty days of a filing of a petition by a single-repeat filer."); In re Wesselman, 2008 Bankr. LEXIS 950 (Bankr. E.D. Ky. 2008) (denying a motion to extend the stay that was filed during the thirty day period because the hearing regarding the motion occurred thirty-one days after the petition date.); In re Brewster, 2008 Bankr. LEXIS 949 (Bankr. E.D. Ky. 2008) (denying a motion to extend the stay that was filed during the thirty day period because the hearing regarding the motion occurred thirty-nine days after the petition date and stating that the "plain meaning of the statute is that the court does not have authority to extend the stay when a hearing is not completed before the expiration of the 30-day period following a bankruptcy filing.").

Because of this strict thirty day period for conducting a hearing regarding a motion to extend the stay, this Court (like many others) has established self-calendaring instructions which permit debtors to set hearings regarding this type of motion on shortened notice (as little as seven days). Under those procedures, debtors typically have between two to four available dates for setting hearings regarding this type of motion during the first thirty days of any bankruptcy case.

In this case, the debtor filed a prior bankruptcy case within the last twelve months (case no. 21-13740). After that case was dismissed, the debtor filed this second bankruptcy case on August 3, 2021. Thus, the automatic stay expired on September 2, 2021. Unfortunately on September 2, 2021, the debtor filed a motion to extend the stay and the debtor selected a hearing date for the motion of September 15, 2021. However, that day is forty-three days after the petition date.

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

CONT... Salvador Colchado G

Chapter 13

Party Information

Debtor(s):

Salvador Colchado G Pro Se

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

6:21-14770 Gregory Clay Johnson, Sr.

Chapter 13

#24.01 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Clay Johnson Sr. Represented By

Michael Smith

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:30 PM

6:21-14466 Elenita Vega Lansang

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-20-21; CONT'D TO 1-24-22 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elenita Vega Lansang Represented By

Michael T Reid

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

2:45 PM

6:21-13882 Tammy Marie Sprague

Chapter 13

#26.00 Hrg re motion in individual case for order imposing a stay or continuing the

automatic stay

FROM: 8-18-21

Docket 16

*** VACATED *** REASON: CASE DISMISSED 9-14-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tammy Marie Sprague Represented By

Kevin Tang

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

3:00 PM

6:21-12906 La Granja 240, L.P.

Chapter 12

#27.00 Hrg re motion to extend time to file a chapter 12 plan

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

La Granja 240, L.P. Represented By

Jenny L Doling Meredith A Jury Veronica E Ruiz Bruce T Bauer

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

3:00 PM

6:21-12907 Belmont Farms, Inc.

Chapter 12

#28.00 Hrg re motion to extend time to file a chapter 12 plan

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Belmont Farms, Inc. Represented By

Jenny L Doling Meredith A Jury Veronica E Ruiz

Trustee(s):

Judge Wayne Johnson, Presiding Courtroom 304 Calendar

Wednesday, September 15, 2021

Hearing Room

304

3:15 PM

6:15-21429 Juan Navarro

Chapter 13

#29.00 Hrg re status conference regarding application of discharge

FROM: 9-1-21

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Navarro Represented By

Tamar Terzian Stephen Braun

Trustee(s):